

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Mangiardi et al.	Confirmation No.	4949
Appl. No.:	10/674,972	Group Art Unit:	3734
Filed:	September 30, 2003	Examiner:	Truong, Kevin Thao
For:	REMOVABLE BILIARY STENT		

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. 1.181 TO WITHDRAW HOLDING OF ABANDONMENT
IN ACCORDANCE WITH MPEP §711.03(c) AND 1156 O.G. 53**

Sir:

As set forth in MPEP § 711.03(c) and 1156 O.G. 53, Applicants hereby petition to have the holding of abandonment of the above-identified application withdrawn. The application was held to be abandoned for failure to respond to an Office Action mailed December 26, 2006. The following materials are submitted in support of Applicants' petition:

1. a copy of a Power of Attorney, Statement Under 37 CFR 3.73(b), and Change of Correspondence Address filed on March 3, 2005, by which the assignee of the present application appointed the undersigned attorneys (hereafter referred to as "we" and "us") to represent Applicants in the prosecution of the above-identified application and in which the United States Patent and Trademark Office was instructed to address all future correspondence to us;
2. a copy of our return postcard from the United States Patent and Trademark Office showing that the Patent Office received the Power of Attorney, Statement Under 37 CFR 3.73(b), and Change of Correspondence Address;
3. a copy of the outside front cover of the file jacket maintained by us for the above-identified application; and
4. a copy of our Docket Control Sheet for the application.

The undersigned attorney for Applicants has made a search of the file jacket and docket records associated with the above-identified application, and that search indicates that the Office Action mailed December 26, 2006 was not received by us. Our regular routine followed in all applications prosecuted in the United States Patent and Trademark Office is to enter Office

Actions received from the Patent Office on the front outside cover of the file jacket, as well as on a separate Docket Control Sheet, when the Office Actions are received. The copy of the front outside cover of the file jacket in the above-identified application and the copy of the Docket Control Sheet both show that the Office Action of December 26, 2006 was not entered, thus indicating that the Office Action was not received.

Since no action in the application had been forthcoming from the United States Patent and Trademark Office for a longer period of time than would ordinarily be anticipated, we logged into the United States Patent and Trademark Office Patent Application Information Retrieval (PAIR) system in order to ascertain the status of the application. Consequently, we noticed that the status of the application was listed as "abandoned" and obtained copies of the Notice of Abandonment (mailed July 11, 2007) and the Office Action (mailed December 26, 2006), both of which were mailed to the incorrect address, i.e., not the address given in the above-noted Power of Attorney or Change of Correspondence Address.

In view of the foregoing remarks and the enclosed evidence indicating that the Office Action was not received, Applicants respectfully request that the instant petition be granted and that the holding of abandonment of the application be withdrawn.

It is believed that the present petition is treated as a petition under 37 C.F.R. 1.181, and that no fee is applicable. However, if any fee is due, please charge the fee to our deposit account No. 16-0605.

Respectfully submitted,



Trent A. Kirk
Registration No. 54,223

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POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby appoint:

☒ Practitioners associated with the Customer Number: **000037305**

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) and are authorized to act on behalf of the Assignee in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Assignee Name and Address:

Alveolus Inc.

401 North Tryon Street, 10th Floor

Charlotte, NC 28202

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Name Tony D. Alexander

Signature

Date

2 February 2005

Title EVP, Chief Corporate Counsel & Corporate Secretary

Telephone (704) 998-6011



Attorney's Docket No. 047956/288225

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Mangiardi
Appl No.: 10/674,972
Filed: 09/30/2003
For: REMOVABLE BILIARY STENT

Confirmation No.: 4949
Group Art Unit: 3731

STATEMENT UNDER 37 CFR 3.73(b)

Alveolus, Inc. is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent identified above by virtue of:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. A copy of said assignment that is being recorded separately is attached hereto.
- B. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel 014340, Frame 0687.
- C. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:


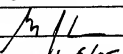
1. From: To:
The document was recorded in the Patent and Trademark Office at
Reel , Frame , or for which a copy thereof is attached.
2. From: To:
The document was recorded in the Patent and Trademark Office at
Reel , Frame , or for which a copy thereof is attached.


- ☐ Additional documents in the chain of title are listed on a supplemental sheet.
☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned is empowered to sign this statement on behalf of the assignee.

2/26/05
Date

Gregory J. Carlin
Gregory J. Carlin, Registration No. 45,607

(Revised 10/2001)		CHANGE OF CORRESPONDENCE ADDRESS Application		Application Number 10/674,972	
Address to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450				Filing Date 09/30/2003	
				First Named Inventor Mangiardi	
				Art Unit 3731	
				Examiner Name N/A	
				Attorney Docket Number 047956/288225	
Please change the Corresponding Address for the above-identified application to: <input checked="" type="checkbox"/> Customer Number 000037305 → <div style="border: 1px solid black; padding: 5px; display: inline-block; text-align: center;"> Place Customer Number Bar Code Label here </div> OR Type Customer Number here					
<input checked="" type="checkbox"/> Firm or Individual Name		Gregory J. Carlin			
Address		ALSTON & BIRD LLP			
Address		101 South Tryon Street, Suite 4000			
City		Charlotte		NC	ZIP 28280-4000
Country		USA			
Telephone		704-444-1000		Fax	704-444-1111
This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).					
I am the: <input type="checkbox"/> Applicant/Inventor. <input type="checkbox"/> Assignee of record of the entire interest. Certificate under 37 CFR 3.73(b) is enclosed. <input checked="" type="checkbox"/> Attorney or agent of record. <input type="checkbox"/> Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number					
Typed or Printed Name		Gregory J. Carlin Reg. No. 45,607			
Signature					
Date		2/26/05			


Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date Mailed: 02/28/05

Atty. Dkt. No. 047956/25



Application No. 10/674,972; Filing Date 09/30/2003
Inventor(s): Mangiardi; Title of Invention: REMOVABLE BILIARY STENT
Documents Enclosed: Change of Correspondence Address; Power of Attorney;
Statement Under 37 CFR 3.73(b); Supplemental Information Disclosure
Statement; PTO 1449 - 11 sheets; 25 foreign references

Check Enclosed N/A

Kindly acknowledge receipt by placing office stamp hereon and returning
postcard to: GCarlin/LRone - Alston & Bird LLP

PATENT DOCKET CONTROL SHEET

[illegible]